

**TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
JULY 9, 2020**

Councilpersons present:

Supervisor Christopher Kennan
Councilman Ralph Fedele
Councilman George Kaye
Councilman John Midwood
Councilwoman Lana Morrison

Councilpersons absent:

The July 9, 2020 meeting was held live and by Zoom web conference at the North East-Millerton Library Annex.

Call to Order & Pledge of Allegiance:

Supervisor Kennan called the meeting to order at 7:00 p.m. and followed with the Pledge of Allegiance.

Roll Call:

Supervisor Kennan asked Clerk Wheeler for a roll call of Town Board Members.

COUNCILMAN FEDELE:	PRESENT
COUNCILMAN KAYE:	HERE
SUPERVISOR KENNAN:	PRESENT
COUNCILMAN MIDWOOD:	HERE
COUNCILWOMAN MORRISON:	HERE

A quorum was present.

**RESOLUTION #1172020
Amend the July 9, 2020 Meeting Agenda**

RESOLVED, to amend the agenda to include the approval of a change order in the sand and salt building contract for a DOT entrance and the approval for a copy machine lease.

Motion by Councilman Kaye and seconded by Councilwoman Morrison.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAYS – 0

The Resolution was adopted on July 9, 2020.

Supervisor's Comments:

Supervisor Kennan mentioned Town Hall is open by appointment only. There are two pass through windows built by Dennis Johnson and Richard Wheeler for the convenience of our residents and are working well. Supervisor Kennan expressed his appreciation for their efforts. Town Hall is sanitized every evening. Masks and social distancing are required. A visitor's log is in the downstairs vestibule for contact information.

Supervisor Kennan said there is a requirement for sexual harassment training for all Town employees this year. He would like to add workplace harassment and racial bias awareness.

Department and Committee Reports:

Police – Officer Rudin provided the June report. There were 23 incidents of which eight were in the Town and 15 were in the Village. These incidents resulted in no arrests in the Town and two arrests in the Village. The numbers continue to go down during the pandemic. In June 2019, there were 37 incidents of which 16 were in the Town and 21 were in the Village. Those incidents resulted in three arrests in the Town and two arrests in the Village.

Several hundred face masks were handed out at two major events at the Rail Trail. Under the New York State grant program, through the Traffic Safety Program, a number of helmets were also handed out.

Highway – Superintendent Stevens provided the Town Board with the final prices for the surplus equipment at Auctions International.

RESOLUTION #1182020
Acceptance of Final Prices for Surplus Equipment

RESOLVED, to accept the total of \$2,210 from Auctions International for the surplus equipment as follows:

2008 Scag 48” Tiger Cub Zero-Turn mower:	\$1,675.00
1999 14” Stihl 017 chainsaw:	\$160.00
2001 16” Stihl 036 chainsaw:	\$145.00
2001 20” Stihl 036 chainsaw:	\$230.00

Motion by Councilman Fedele and seconded by Councilman Midwood.

AYES - 5 (Kennan, Fedele, Kaye, Midwood, Morrison)
NAYS - 0

The Resolution was adopted on July 9, 2020.

RESOLUTION #1192020
Approve Amended Agreement for the Expenditure of Highway Moneys

RESOLVED, to approve the amended Agreement for the Expenditure of Highway Moneys for improved drainage, T & L with hot mix, hot mix pave 2” compacted, and installation of new gravel shoulders on Mill Road commencing at Downey Road and leading to Indian Lake Road, a distance of .65 miles, not to exceed the sum of \$112,000.

Motion by Councilwoman Morrison and seconded by Councilman Kaye.

AYES - 5 (Kennan, Fedele, Kaye, Midwood, Morrison)
NAYS - 0

The Resolution was adopted on July 9, 2020.

Assessor – Assessor Johnson was present via Zoom. The determinations from Grievance Day have been processed, sent to the petitioners, recorded, and submitted to the Town Clerk.

Assessor Johnson stated the 2020 Final Roll has been completed, published, and is available for inspection online on the Dutchess County website. The 2020 Final Roll can be accessed via a link on the Assessor’s page of the Town’s website. There is a 100% equalization rate for the 2020 Assessment Roll on May 18, 2020.

Planning, Zoning & Building Dept. – Reports were submitted to the Town Board

Town Clerk – Reports were submitted to the Town Board.

Town Board Committee Reports:

CAC - Mary Lynn Kalogeras from the Conservation Advisory Committee provided an update on the pollinator garden. There are 30 or more plants in the garden now and bees are present.

Highway – Councilman Kaye mentioned the footings were poured about 10 days ago and the walls were poured this past Tuesday. He expects the walls will be stripped starting this Saturday and work will begin on putting the roof on the building. The project is on schedule and may be ahead of schedule.

Police Services – Councilman Fedele contacted Mayor Middlebrook, and discussed the upcoming contract. The contract with the Millerton Police is about \$100,000 annually. Of this amount, \$26,000 is contributed by the Town. The leaders of the Town and Village have been working on getting a law enforcement accreditation from New York State. Not every town in the area has accreditation. It is a special process that is self-initiated and is voluntary. It ensures the police department is following the best practices of law enforcement and includes traffic control, apprehension, detention training, and court-related services.

The new contract will be ready next month. In the past, the Town heard monthly reports outlining the statistics, but the Town wants oversight. There will be periodic meetings scheduled between the Police Services Committee and members from the Village to discuss details of police enforcement to ensure the best possible practices of police enforcement are followed.

Recreation – Councilwoman Morrison spoke with Trustee Najdek. The Village has an annual budget of approximately \$100,000. The Town contributes up to \$35,000 of the net expenses. The main event is the six-week summer camp at the Eddie Collins Memorial Park but won't happen this summer due to the pandemic. The budget includes all of the maintenance and utilities, the composting toilets, garbage removal throughout the village, lawn mowing for Veterans' Park, the schoolhouse, and the gazebo.

Councilman Midwood spoke with Mayor Middlebrook. Since the summer camp was cancelled, the Town's portion of the budget may be less. Later this month, Councilwoman Morrison and Councilman Midwood will meet with Trustee Najdek to discuss the budget and review specific statistics about the camp in order to come up with a proposed contract.

Zoning Review Committee – Chairwoman Greenwood stated the initial meeting is scheduled for next Wednesday, July 15, 2020 at 7:00 p.m. at the North East-Millerton Library Annex. The Committee will introduce itself. There will be a review of a draft request for proposal (RFP) for a planning consultant. Four planners have expressed interest. Once the Committee agrees or modifies the request, she will send it out the following morning. The bids are to be in by August 6, 2020. The last agenda item is the establishment of a meeting calendar.

Resolution to Enter Into Membership in Workers' CompAlliance:

RESOLUTION #1202020

Resolution to Enter Into Membership in Workers' CompAlliance

WHEREAS there has been proposed a "NEW YORK STATE MUNICIPAL WORKERS' COMPENSATION ALLIANCE PLAN DOCUMENT" pursuant to Section 50 3-a of the Workers' Compensation Law (hereinafter "the Plan"); and

WHEREAS the Town of North East is eligible for membership in the Plan; and

WHEREAS the Town of North East has made an independent investigation of the Plan and reviewed the Plan document, and has concluded that it would be in the interests of the Town of North East to participate therein; now, therefore, be it

RESOLVED that the Town of North East enter into membership in the Plan pursuant to Section 50 Subdivision 3-a of the Workers' Compensation Law; and be it further

RESOLVED, that the Town Supervisor be and hereby is authorized and instructed to execute the Plan's charter document on behalf of the Town of North East; and be it further **RESOLVED**, that the custody of all joint Plan moneys by the Plan Administrator under the Plan be and the same hereby is approved.

Motion by Councilman Fedele and seconded by Councilman Midwood.

AYES - 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAYS - 0

The Resolution was adopted on July 9, 2020.

Resolution to Self-Insure Workers' Compensation Obligations:

RESOLUTION #1212020
Resolution to Self-Insure - Workers' Compensation

RESOLVED, that the Town of North East hereby elects, pursuant to Subdivision 3-a of Section 50 of the Workers' Compensation Law, to become a self-insurer as to Workers' Compensation claims against this Municipality; and be it further

RESOLVED, that pursuant to Section 50 Subdivision 3-a of said Workers' Compensation Law, notice of such election shall be filed forthwith with the Chairman of the Workers' Compensation Board, Self-Insurance Section; and be it further

RESOLVED, that this election shall become effective on July 1, 2020.

Motion by Councilwoman Morrison and seconded by Councilman Kaye.

AYES - 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAYS - 0

The Resolution was adopted on July 9, 2020.

Resolution to Approve Zoning Review Committee – Correct:

RESOLUTION #1222020
TOWN BOARD OF THE TOWN OF NORTH EAST

AMENDED RESOLUTION CREATING A ZONING REVIEW COMMITTEE

WHEREAS, the Town's Zoning Law codified as Chapter 180 of the Town Code, was originally adopted by the Town Board in 1977, and has been amended, from time to time since its adoption; and

WHEREAS, the Town's Subdivision Law, embodied in Chapter 150 of the Town Code, was adopted in 1973 and has been amended, from time to time, since its adoption; and

WHEREAS, the Town Board, on or about November 23, 2019, adopted an amended Joint Comprehensive Plan in accordance with the requirements of §272-a of the Town Law with the Village of Millerton; and

WHEREAS, the Planning Board and the Zoning Board of Appeals, as well as the Attorney to the Town, have advised the Town Board that the Town Zoning and Subdivision Law are, in many respects, outdated and are in need of revision to comply with the requirements of the New York State Town Law; and

WHEREAS, the 2019 Comprehensive Plan contains recommendations for the amendments of the Town's Zoning Law and Subdivision Law, as well as other Town land use regulations; and

WHEREAS, §272-a(11) provides, in relevant part, that all Town land use regulations must be in accordance with a Comprehensive Plan adopted by the Town Board pursuant to that section of the Town Law; and

WHEREAS, the Town Board is desirous of creating a Zoning Review Committee to review the Zoning and Subdivision Laws for the Town of North East and other land use laws and regulations of the Town to make recommendations for amendments and/or revisions to the same; and

WHEREAS, the Town Board has determined that the creation of this Committee is a Type II action under SEQRA, which does not require environmental review.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby establishes in and for the Town of North East a Zoning Review Committee to act in an advisory capacity to the Town Board to, among other things, review the land use regulations of the Town of North East including, but not limited to, the Zoning Law and Subdivision Law; and be it further

RESOLVED, that the Zoning Review Committee shall consist of no more than nine members, all of whom shall be either residents or property owners in the Town of North East. No more than four members shall be residents of the Village of Millerton; and be it further

RESOLVED, that at least one member shall be a member of the North East Planning Board and one member shall be a member of the North East Zoning Board of Appeals. In selecting members, the Town Board shall try to reflect the different constituencies within the Town of North East including its incorporated Village of Millerton; and be it further

RESOLVED, that three members of the Committee shall be appointed for a term of three years; two members for a term of two years; and three members for a term of one year with no limitation upon the re-appointment of such members as their terms expire; and be it further

RESOLVED, that the meetings of the Review Committee shall be at such time and place scheduled by the Chairperson. However, the meetings shall be subject to the provisions of the Open Meetings Law; and be it further

RESOLVED, that the Town Board shall select a professional planner with experience in preparation and revisions of land use regulations and an attorney with similar professional experience to assist the Committee in its work and shall provide a reasonable budget each year for the cost of the operation of the Committee; and be it further

RESOLVED, that the Committee shall submit a report to the Town Board of its activities on a quarterly basis each year but may, in its discretion, provide reports and recommendations to the Town Board on a more frequent basis; and be it further

RESOLVED, that the members of the Committee shall serve at the pleasure of the Town Board and may be removed or replaced for misconduct, including, but not limited to, repeated failure to attend scheduled meetings of the Committee.

This motion was offered by Town Board member George Kaye and was seconded by Town Board member Lana Morrison.

MOTION: Councilman Kaye
SECOND: Councilwoman Morrison

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

Resolution was carried by a 5-0 vote of the Town Board members on July 9, 2020.

Resolution to Approve New Bond Anticipation Note:

RESOLUTION #1232020

TOWN OF NORTH EAST

BOND RESOLUTION DATED JULY 9, 2020.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE CONSTRUCTION OF PHASE 2 OF A NEW HIGHWAY GARAGE FACILITY WITH SAND/SALT STORAGE BUILDING ON A TOWN OWNED PARCEL OF LAND ON ROUTE 22 IN MILLERTON, NEW YORK, IN AND FOR THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,000,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$440,000 BONDS OF SAID TOWN TO PAY A PORTION OF THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the capital project hereinafter described has been determined to be a Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to authorize the financing thereof; **NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of North East, Dutchess County, New York, as follows:

Section 1. The construction of Phase 2 of a new highway garage facility with sand/salt storage building on a Town owned parcel of land on Route 22 in Millerton, New York, in and for the Town of North East, Dutchess County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, site improvements and other incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,000,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) by the issuance of not exceeding \$440,000 serial bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; and
- b) by the expenditure of not exceeding \$233,000 current available fund monies hereby appropriated therefor; and
- c) by the expenditure of \$327,000 grant-in-aid monies hereby appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will exceed five years**.

Section 4. The faith and credit of said Town of North East, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

This motion was offered by Councilman George Kaye and was seconded by Councilman Ralph Fedele.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

SUPERVISOR KENNAN
COUNCILMAN FEDELE

VOTING AYE
VOTING AYE

COUNCILMAN KAYE	VOTING AYE
COUNCILMAN MIDWOOD	VOTING AYE
COUNCILWOMAN MORRISON	VOTING AYE

This Resolution was thereupon declared duly adopted on July 9, 2020.

Resolution to Approve Purchase of Stormwater Management System:

Supervisor Kennan mentioned the Town Engineer's recommendation for a stormwater treatment unit. This would meet the requirements of the New York State Department of Environmental Conservation's stormwater pollution prevention plan. The Town Engineer contacted three vendors for written quotes and two were received in return. The recommendation is to go with the low bid from Contech in the amount of \$26,928. This item was handled separately as the Town can purchase this separately without a markup from the contractor.

RESOLUTION #1242020
Approval of Purchase of Stormwater Management System

RESOLVED, to approve the low bid from Contech for a stormwater treatment unit in the amount of \$26,928.

Motion by Councilman Midwood and seconded by Councilman Kaye.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)
NAYS – 0

The Resolution was adopted on July 9, 2020.

Approval of Change Order in Sand/Salt Building Contract for DOT Entrance:

Supervisor Kennan stated the new highway garage has a gravel driveway on the site, but a proper entrance is required meeting the specifications of the Department of Transportation. The contractor, One Way Construction Services, Inc., provided a proposed change order for labor and materials for the concrete curb in the amount of \$8,600. The Town Engineer informed the Supervisor the cost was reasonable and the Town can handle this as a change order to the current contract with One Way Construction.

RESOLUTION #1252020
Approval of Change Order in Sand/Salt Building Contract for DOT Entrance

RESOLVED, to approve the change order in the sand and salt building contract for the concrete curb proposed by One Way Construction Services, Inc. in the amount of \$8,600.

Motion by Councilman Fedele and seconded by Councilman Kaye.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)
NAYS – 0

The Resolution was adopted on July 9, 2020.

Approval of Copy Machine Lease:

Supervisor Kennan mentioned the copier on the second floor is nine years old, has been out of contract for some time, and the scanning feature is not working properly. Konica Minolta

provided a proposal for a replacement. The contract is a 60-month, deferred purchase price of \$70.00 per month for a purchase price of \$4,259.37.

RESOLUTION #1262020
Approval of Copy Machine Lease

RESOLVED, to approve the purchase of a Konica Minolta bizhub C227 machine for the purchase price of \$4,259.37.

Motion by Councilman Fedele and seconded by Councilwoman Morrison.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)
NAYS – 0

The Resolution was adopted on July 9, 2020.

Approval of Minutes of Town Board Meeting of June 11, 2020:

RESOLUTION #1272020
Approval of June 11, 2020 Minutes

RESOLVED, to approve the minutes of June 11, 2020.

Motion by Councilwoman Morrison and seconded by Councilman Midwood.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)
NAYS – 0

The Resolution was adopted on July 9, 2020.

Supervisor's Report:
Budget Adjustment –

RESOLUTION #1282020
Approval of Budget Adjustment #4 of 2020

RESOLVED, to approve Budget Adjustment #4 of 2020 as follows:

In DB Fund – Highway Town Outside, there is an expense increase of \$119,081 minus a revenue increase of \$119,081 with a net of \$0.

Motion by Councilwoman Morrison and seconded by Councilman Kaye.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)
NAYS – 0

The Resolution was adopted on July 9, 2020.

Monthly Bills Abstract/Special Abstracts –

**RESOLUTION #1292020
Approval of Abstract Dated July 9, 2020**

RESOLVED, to approve Abstract, dated July 9, 2020, totaling \$405,795.67, broken down as follows:

General A Fund -	\$64,592.41
General B Fund -	\$601.00
Highway Fund DB -	\$63,881.60
Capital Projects H1-	\$272,836.30
Special Grant Fund -	\$3,370.70
Escrow T&A2 -	\$350.00
Payroll T&A -	\$163.66

Motion by Councilman Fedele and seconded by Councilman Midwood.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)
NAYS – 0

The Resolution was adopted on July 9, 2020.

**RESOLUTION #1302020
Approval of Special Abstract Dated June 29, 2020**

RESOLVED, to approve Special Abstract, dated June 29, 2020, totaling \$10,583.74, broken down as follows:

General Fund A -	\$3,625.21
Highway Fund DB -	\$6,958.53

Motion by Councilman Kaye and seconded by Councilman Midwood.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)
NAYS – 0

The Resolution was adopted on July 9, 2020.

Voucher Committee for August 2020 –

The Voucher Committee for August is John Midwood and Lana Morrison.

Public Comment:

Bill Kish stated he was happy to hear of the Town Board's involvement with the oversight of the police department.

There were no comments from those in attendance via Zoom.

Adjournment:

**RESOLUTION #1312020
Adjournment of July 9, 2020 Meeting**

RESOLVED, to adjourn the meeting at 8:03 p.m.

Motion by Councilman Midwood and seconded by Councilman Kaye.
AYES – 5 (Kennan, Fedeles, Kaye, Midwood, Morrison)
NAYS – 0

The Resolution was adopted on July 9, 2020.

Respectfully submitted,

/s/

Gail J. Wheeler
Town Clerk

Approved: 08/13/2020